

Message Text

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ACTION ARA-10

INFO OCT-01 ISO-00 PM-03 NSC-05 SP-02 SS-15 EB-07 CIAE-00

INR-07 NSAE-00 L-03 PRS-01 /054 W

----- 096806

R 081915Z JUL 75

FM AMEMBASSY NASSAU

TO SECSTATE WASHDC 6920

INFO SECDEF WASHDC

CINCLANT

CNO

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E.O. 11652: N/A

TAGS: MARR, BF, US

SUBJECT: ANDROS TOWN AIRFIELD, ANDROS ISLAND, BAHAMAS

REF: A. NASSAU 1080; B. NASSAU 59, C. STATE 1457

CNO PASS TO OP-613

1. BACKGROUND: WITH REGARD TO CONTENTS OF NOTE RECEIVED FROM GCOB REPORTED REF A, DEPARTMENT WILL RECALL EMBASSY'S LAST COMMUNICATION WITH GCOB THIS SUBJECT WAS OPTION B, REF B, CONCURRED IN BY REF C, WHICH STATED THAT GCOB POSITION WAS "INCONSISTENT WITH OUR UNDERSTANDING OF THE RECORD AND THEREFORE USG WOULD LIKE TO FURTHER PURSUE THE ISSUE IN DUE COURSE". THIS ACTION WAS DESIGNED TO RETURN THE RECORD TO NEUTRAL AND ACT AS A HOLDING ACTION UNTIL AND IF THE ISSUE DEVELOPED.

2. IN VIEW OF THE 25 JUNE 1975 NOTE FROM GCOB, OPTION B, REF B OBVIOUSLY WAS ONLY TEMPORARILY SUCCESSFUL. BALL IS CLEARLY BACK IN OUR COURT. THE ISSUES WHICH BEAR ON WHERE WE GO FROM HERE ARE DISCUSSED IN PARAS BELOW.

3. FROM A PRACTICAL POINT OF VIEW, WE CONTINUE TO

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ENJOY USE OF THE FIELD WITHOUT IMPOSITION OF ANY

NEW FEES OR CONDITIONS. INFORMATION CONVERSATION BETWEEN NLO AND MORTGAGE HOLDER (ROYAL BANK OF CANADA), INDICATES THE FOLLOWING:

A) INTENDED PURCHASER HAS JUST FILED FOR BANKRUPTCY IN MIAMI.

B) BANK IS ACTIVELY TRYING TO SELL AND ANTICIPATES NEW OWNER WITHIN THE YEAR BUT NOT WITHIN NEXT THREE MONTHS. PURCHASE PRICE REPORTEDLY IS IN MILLIONS MAKING IMMEDIATE SALE UNLIKELY.

C) BANK MANAGER FEELS ANY EXISTING AGREEMENTS WOULD PASS TO NEW OWNERS. BANK MANAGER STATES BANK HAS DELIBERATELY AVOIDED BECOMING "MORTGAGEE IN POSSESSION" IN ORDER NOT TO GET INVOLVED OR DISTURB STATUS QUO OF AIRFIELD USE.

D) BANK IS UNAWARE THAT NO FORMAL "IN WRITING" AGREEMENT EXISTS BETWEEN USG AND FORMER OWNER.

4. IT THEREFORE APPEARS UNLIKELY THAT EITHER THE PRACTICAL USE OR THE LEGAL ISSUE WILL DEVELOP IN THE NEAR TERM IN A MANNER WHICH WOULD REQUIRE USG TO ACCEPT NEW CONDITIONS ON CONTINUED USE OF FIELD. THE QUESTION REMAINS, HOWEVER, WHETHER AS A MATTER OF PRINCIPLE WE SHOULD CHALLENGE GCOB POSITION FURTHER AT THIS TIME.

5. THE PROBLEM WE FACE IN PURSUING THE ISSUE IS THAT WE SIMPLY HAVE NO WRITTEN RECORD TO FALL BACK ON. (IN FACT THERE IS A LESSON TO BE LEARNED HERE: IN THE ABSENCE OF OUR RECEIVING PROMPT WRITTEN CONFIRMATION WE SHOULD HAVE PUT IN WRITING OUR UNDERSTANDING. TO ARGUE THE CASE IN 1975, SIX YEARS AFTER THE ALLEGED ORAL EXCHANGE TOOK PLACE, IS VERY DIFFICULT TO CARRY OFF) IT SEEMS APPARENT FROM GCOB JUNE 25 NOTE THAT THEY CAN FIND NO WRITTEN RECORD IN THEIR FILES, ARE SKEPTICAL AND AGREEMENT ALONG LINES WE MAINTAIN EVER EXISTED AND, IN THE ABSENCE OF WRITTEN COMMUNICATIONS, WE ARE GOING LIMITED OFFICIAL USE

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TO BE RELUCTANT TO CONCEDE THE ISSUE.

6. OUR CHOICES AT THIS POINT ARE THREE: A) TO CONCEDE, B) TO PROCRASTINATE, OR C) TO TAKE UP THE CUDGELS. TO CONCEDE AT THIS TIME SEEMS PREMATURE. WE AREN'T BEING ASKED TO ACCEPT NEW CONDITIONS AND IT IS ALWAYS AT LEAST THEORETICALLY POSSIBLE WE NEVER WILL. BY THE SAME TOKEN TO FIGHT FOR OUR POSITION ON THE PRINCIPLE INVOLVED SEEMS

OF QUESTIONABLE WISDOM SO LONG AS (I) THERE ARE NO NEW DEMANDS BEING LEVIED, AND (II) OUR CASE IS DEVOID OF DOCUMENTATION WHICH SUSTAINS OUR POSITION. THIS LEAVES US WITH OPTION B WHICH, WHILE IT DOES NOT CHANGE THE EXISTING ARRANGEMENTS FOR USING THE AIRFIELD, CLEARLY OVER TIME COULD PREJUDICE OUR CASE IF THE AIRFIELD IS SOLD AND IF THE NEW OWNERS CHOOSE TO EXACT DEMANDS ON US FOR ITS CONTINUED USE.

7. I AM NOT WILD ABOUT ANY OF THE ALTERNATIVES BUT IN THE ABSENCE OF SOMETHING MORE CONCRETE WITH WHICH TO FIGHT THE BATTLE I WOULD OPT FOR 6 B. THIS WOULD NOT PRECLUDE OUR MAKING ANOTHER RUN AT THE PROBLEM LATER ON IF THE ISSUE COMES TO A HEAD AS A RESULT OF SALE OF AIRPORT. IN THE MEANTIME WE CAN HOPE THAT THE PROBLEM GOES AWAY (I.E. THAT THE AIRFIELD IS NOT SOLD OR THAT IF SOLD THE NEW OWNERS WILL CONTINUE WITH THE EXISTING ARRANGEMENTS), OR THAT BETWEEN WASHINGTON AND NASSAU WE CAN COME UP WITH A BETTER DOCUMENTED CASE THAN WE HAVE HERETOFORE.

8. YOUR REACTIONS WOULD BE MUCH APPRECIATED.
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Message Attributes

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